

1 CASINO REINVESTMENT DEVELOPMENT AUTHORITY
2
3 LAND USE REGULATION AND ENFORCEMENT DIVISION

4 APPLICATION: 2023-08-3512
5 107 S. KENTUCKY AVENUE, LLC

6 APPLICANT SEEKS A USE VARIANCE WITH
7 PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL AND
8 BULK VARIANCE RELIEF PURSUANT TO N.J.S.A.
9 40:55D-70(d) and (c), RESPECTIVELY, TO CONSTRUCT A
10 RENTAL COMMUNITY CONSISTING OF NINETEEN (19)
11 TOWNHOUSES ON BLOCK 50, LOTS 1-4 AND TEN (10)
12 TOWNHOUSES ON BLOCK 51, LOTS 1-10, AS SHOWN ON THE
13 CITY OF ATLANTIC CITY MUNICIPAL TAX MAP.

14 THE PROPERTY IS LOCATED AT 105, 107,
15 117, 123, 125, 127 & 177 SOUTH KENTUCKY AVENUE,
16 105, 107 & 109 WESTMINSTER AVENUE AND 1514, 1514RR,
17 1516 & 1520 PACIFIC AVENUE, LOCATED WITHIN THE
18 RESORT COMMERCIAL DISTRICT (RC) AND THE KENTUCKY
19 AVENUE RENAISSANCE DISTRICT (KAR).

20 BLOCK 50, LOTS 1-4, BLOCK 51, LOTS 1-10
21 105, 107, 117, 123, 125, 127 & 177
22 SOUTH KENTUCKY AVENUE
23 1514, 1514RR, 1516 & 1520 PACIFIC AVENUE
24 ATLANTIC CITY, NEW JERSEY

25 THURSDAY, OCTOBER 5, 2023

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1 Public Hearing in the above-referenced
 2 matter conducted at the CASINO REINVESTMENT
 3 DEVELOPMENT AUTHORITY, 15 South Pennsylvania
 4 Avenue, Atlantic City, New Jersey before Michelle
 5 Gruendel, a Certified Court Reporter and Notary
 6 Public of the State of New Jersey, on Thursday,
 7 October 5, 2023 commencing at 10:03 a.m.

8

9 A P P E A R A N C E S :

10 CASINO REINVESTMENT DEVELOPMENT AUTHORITY:

11 LANCE D. LANDGRAF, JR.
 12 CHAIRMAN
 13 DIRECTOR, PLANNING DEPARTMENT

14 ROBERT L. REID
 15 LAND USE ENFORCEMENT OFFICER

16 PROFESSIONALS TO THE BOARD FOR THIS HEARING:

17 SCOTT G. COLLINS, ESQUIRE
 18 RIKER, DANZIG, SCHERER, HYLAND & PERRETTI

19 CHRISTINE COFONE, PP
 20 COFONE CONSULTING GROUP, LLC

21 CHRISTOPHER MORRIS, PE
 22 ADAMS, REHMANN AND HEGGAN

23 G. JEFFREY HANSON, PP
 24 ENVIRONMENTAL RESOLUTIONS, INC.

25 COUNSEL FOR THE APPLICANT:

 KEITH DAVIS, ESQUIRE
 NEHMAD, DAVIS & GOLDSTEIN, PC

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EXHIBITS MARKED AND/OR REFERRED TO:
A-2, A-3, B-1

1 [COURT REPORTER'S NOTE: THE FOLLOWING
2 TRANSCRIPT WAS PRODUCED FROM THE
3 AUDIO/VIDEO TAKEN BY THE VIDEOGRAPHER
4 PRESENT AT THE HEARING.]

5 LANCE LANDGRAF: Good morning. I want
6 to call to order the October 5th, 2023 CRDA Land
7 Use Regulation Enforcement Division Hearing to
8 order.

9 If everyone can please rise for the
10 Pledge of Allegiance.

11 (Pledge of Allegiance is recited.)

12 LANCE LANDGRAF: Thank you.

13 Good morning. This hearing has been
14 noticed in accordance with the Senator Byron M.
15 Baer Open Public Meetings Act.

16 There were three items listed on our
17 agenda. We only have two. The second one was not
18 quite complete and not ready to proceed today so we
19 will have two applications and we are gonna play a
20 little bit with the agenda to get one application
21 out quicker this morning. So the Tambre
22 application -- thank you, Mr. Magazzu, for
23 accommodating that. I know we discussed having you
24 first but we're going to get this other one out of
25 the way quickly here this morning. So the Tambre

1 application will be heard second. The first
2 application this morning will be Application
3 2023-08-3512, 107 South Kentucky Avenue, LLC. The
4 applicant seeks use variance and preliminary and
5 final site plan approval and bulk variance relief
6 to construct a rental community consisting of 19
7 townhomes on Block 50, Lots 1 to 4 and 10 townhomes
8 on Block 51, Lots 1 to 10, as shown on the City of
9 Atlantic City's Municipal Tax Map.

10 Mr. Davis, I see you're here.

11 KEITH DAVIS: Good morning, Mr.
12 Landgraf. You described the property in question.
13 It's 29 residential units on two tracts of real
14 estate. We're located in two zoning districts, the
15 KAR and RC zones. Those do permit residential uses
16 in high-rise mixed use buildings but low-rise
17 townhomes that we are proposing are not
18 specifically permitted in those zones so we're
19 requesting use variance relief, (d)(1) use variance
20 relief to allow for the establishment of the
21 project within this neighborhood. We think this is
22 a part of -- you know, the zone is the Kentucky
23 Avenue Renaissance and we think that this
24 development will help lead to the continued
25 renaissance of the Kentucky Avenue corridor.

1 I have with me today three witnesses,
2 Brian Zoubek on behalf of the developer; I have Mr.
3 Rustin Ohler from Harman Deutsch Ohler
4 Architecture; and Jay Sciullo, our planner and
5 engineer. With your permission I'd like to have
6 all three of those witnesses sworn in.

7 LANCE LANDGRAF: Please. Thank you.
8 Scott, you want to take care of that?

9 SCOTT COLLINS: Please --

10 KEITH DAVIS: We have Brett Harman, as
11 well. Brett is a New Jersey licensed architect.
12 He's overseeing the preparation of all the
13 architectural plans but Rustin is a draftsman in
14 that office and is more familiar with the project
15 so he'll provide the bulk of the testimony.

16 LANCE LANDGRAF: One thing. If I could
17 just pause you, Keith. One quick thing. Rob, do
18 we have proper notice on the application?

19 ROBERT REID: Yes. I have reviewed
20 proof of service provided and we have jurisdiction
21 to hear the application.

22 LANCE LANDGRAF: And Christine and
23 Chris, we're good on completeness?

24 CHRISTINE COFONE: Yes, we are.

25 CHRISTOPHER MORRIS: Yes.

1 LANCE LANDGRAF: Sorry. I should have
2 done that first.

3 KEITH DAVIS: That's okay.

4 LANCE LANDGRAF: You want to swear them
5 in and then swear our guys in, as well?

6 SCOTT COLLINS: Sure. Keith, if you
7 could just have everyone raise their right hand.

8 BRIAN ZOUBEK, having been first duly sworn
9 according to law, testified as follows:

10 RUSTIN OHLER, having been first duly sworn
11 according to law, testified as follows:

12 BRETT HARMAN, having been first duly sworn
13 according to law, testified as follows:

14 JASON SCIULLO, PE, having been first duly sworn
15 according to law, testified as follows:

16 SCOTT COLLINS: Thank you.

17 If you could just have them identify
18 themselves so I can --

19 KEITH DAVIS: You want to start, Jay,
20 and we'll go --

21 JASON SCIULLO: Sure. Jason Sciullo,
22 professional engineer and planner.

23 RUSTIN OHLER: Rustin Ohler, principal,
24 Harman Deutsch Ohler Architecture.

25 BRETT HARMAN: Brett Harman, architect,

1 Harman Deutsch Ohler Architecture.

2 BRIAN ZOUBEK: And Brian Zoubek, owner
3 and developer of 107 South Kentucky.

4 SCOTT COLLINS: Thank you.

5 KEITH DAVIS: Brian, I'm gonna start
6 with you, if you could approach the podium there.

7 Can you first just describe, what's your
8 relationship to the applicant entity, 107 South
9 Kentucky Avenue, LLC?

10 BRIAN ZOUBEK: Yeah. I'm part of the
11 ownership group and I will be developing the
12 property and overseeing every day to day operation.

13 KEITH DAVIS: And you are, through that
14 entity, now the owner of the real estate, right?

15 BRIAN ZOUBEK: Correct.

16 KEITH DAVIS: What do you do?

17 BRIAN ZOUBEK: So my name is Brian
18 Zoubek. I develop townhomes, condos and apartment
19 buildings, mostly low to mid-rise. I've built
20 about 250 homes similar to this in Philadelphia.
21 We have a plan development and we have eight lots
22 on Snug Harbor which we should hopefully be
23 breaking ground on two of them, which would be, you
24 know, for sale homes, single family homes. In
25 addition to this site we have the site next door

1 which, you know, we'll eventually plan something
2 there and about 150 lots over in the inlet that we
3 plan on developing, so this is the first kind of
4 phase of what we're doing, but this kind of
5 townhome community is exactly what I do all day
6 long.

7 KEITH DAVIS: And tell the -- Mr.
8 Landgraf about your vision for this particular
9 project along Kentucky Avenue.

10 BRIAN ZOUBEK: The vision for this
11 project is to supplement the existing commercial
12 that's already over there in the area, you know.
13 Pat Fasano has done a great job and Collazzo and a
14 couple of these other guys have done a great job
15 bringing in some unique retail tenants over on New
16 York Avenue and Tennessee Avenue and they do well
17 on weekends, they do well on tourist -- for tourist
18 events but, you know, if you're there during the
19 middle of the week it's really lacking for
20 business. Also, from a safety perspective, you
21 know, the goal here is to get light and eyes on the
22 street and bring local residents in. Our goal here
23 is to have, you know, longer term residents on
24 longer term leases. We're going to be renting them
25 out for -- of course it's not -- it wasn't up.

1 JASON SCIULLO: It wasn't up.

2 BRIAN ZOUBEK: We're gonna be renting
3 these out for the foreseeable future until it makes
4 sense to sell them because of the tax advantages
5 that are in the QOZ Zone, which is the Opportunity
6 Zone that this district is. So yeah, our goal is
7 to get more activity downtown to support some of
8 these commercial businesses. And also, on the
9 Westminster, that little alley, which has just been
10 renamed, I heard, and Kentucky, it would be very
11 difficult to have commercial on those. If you
12 drive around and you look at places like the North
13 Beach development, those small retail things on the
14 noncommercial corridor are still vacant, so we're
15 just trying to get as much density that makes sense
16 in this area. A high-rise we felt on Westminster
17 doesn't make sense because of how tight it is and
18 also it just doesn't financially make sense in
19 town.

20 KEITH DAVIS: Very good.

21 Any questions for Brian?

22 LANCE LANDGRAF: Nope. Not at this
23 point.

24 You guys have any questions? You'll get
25 to your report, we'll go through that.

1 CHRISTINE COFONE: Nope.

2 BRIAN ZOUBEK: Excuse my voice. I just
3 got married this last weekend so I had --

4 LANCE LANDGRAF: Congrats.

5 BRIAN ZOUBEK: -- too much fun.

6 LANCE LANDGRAF: And you're here instead
7 of on your honeymoon, come on.

8 BRIAN ZOUBEK: Well, you know, that's a
9 conversation with my now wife.

10 KEITH DAVIS: That's why he doesn't have
11 a voice.

12 LANCE LANDGRAF: Loud conversation.

13 KEITH DAVIS: I'll bring forth -- Brett,
14 why don't you come up first, introduce yourself.

15 BRETT HARMAN: Hi. Good morning. My
16 name is Brett Harman, architect, Harman Deutsch
17 Ohler.

18 KEITH DAVIS: And you're licensed in New
19 Jersey?

20 BRETT HARMAN: Yes, sir.

21 KEITH DAVIS: You've been accepted as an
22 expert in architecture before the land use boards
23 in New Jersey?

24 BRETT HARMAN: I have been.

25 KEITH DAVIS: And you, with Rustin, have

1 worked on the architectural plans we submitted to
2 the CRDA?

3 BRETT HARMAN: Absolutely.

4 KEITH DAVIS: And you oversaw the
5 preparation of them?

6 BRETT HARMAN: Correct.

7 KEITH DAVIS: To make sure they adhere
8 to all of our legal requirements --

9 BRETT HARMAN: Correct.

10 KEITH DAVIS: -- in New Jersey?

11 BRETT HARMAN: Correct.

12 KEITH DAVIS: All right. With that,
13 we'll turn it over to Rustin, since you did all the
14 hard heavy lifting here, right, Rustin?

15 RUSTIN OHLER: Group effort. Always a
16 group effort.

17 KEITH DAVIS: Can you describe the
18 project in question? I know we have --

19 RUSTIN OHLER: Sure.

20 KEITH DAVIS: -- what we, I think, are
21 marking as A-2, which are elevations, rendered
22 elevations of the project, correct?

23 RUSTIN OHLER: Yeah.

24 LANCE LANDGRAF: Before you do that,
25 we're going to mark the application submission as

1 A-1 and then this will be A-2, which is a -- looks
2 like a rendering of the proposed buildings.

3 KEITH DAVIS: And we have -- where is
4 your handout?

5 JASON SCIULLO: It's going to be
6 multiple slides.

7 RUSTIN OHLER: It's 13 pages.

8 LANCE LANDGRAF: Okay. All right.

9 KEITH DAVIS: We have a handout. We can
10 use one of those to keep with you for the record.

11 LANCE LANDGRAF: Great. Thank you.

12 KEITH DAVIS: All right. So A-2, what
13 does this show?

14 RUSTIN OHLER: Sure. So this is our
15 cover page for the presentation. This is the
16 aerial image of the proposed development, Kentucky
17 Avenue and Westminster looking east towards the
18 ocean.

19 KEITH DAVIS: Okay.

20 RUSTIN OHLER: So we have some aerial
21 context. I'm sure everybody's familiar with the
22 site, though. I'll get to that in a minute. The
23 blue is -- okay. The proposed site in question,
24 it's two separate parcels separated by Westminster
25 Avenue. Primarily existing surface parking at the

1 moment. It's been vacant every time I've been
2 there. It's not associated with any uses.

3 JASON SCIULLO: No. We'll talk about
4 that.

5 RUSTIN OHLER: All right. So we have
6 three housing types. You can see I highlighted
7 here in the blue, green and orange tones. There
8 are 10 homes here, all accessed by a rear driveway,
9 interior rear-loaded parking, minimizing the amount
10 of curb cuts we have on the street. At the ground
11 floor level it's just entrance and parking. All
12 the living space is above. The homes that you see
13 in blue, it's five four bed, four-and-a-half bath
14 townhomes with 2,300 square feet of living space.
15 The green, there's five of those. They're a little
16 wider and there's five bedrooms, four bathrooms and
17 2,400 square foot of space. And then the orange
18 ones are all the same, as well. There's 14 of
19 those. They are four bedrooms, four bathrooms and
20 2,200 square feet of space. The floor plans are in
21 the packet that we handed out. They're very
22 similar in program. The four floors are smaller
23 and set back. I'll get to them in elevations.
24 Keeping with, you know, articulating the facade,
25 providing shadow, allowing private outdoor space,

1 so every space has a deck on the top and then
2 balconies off of all these subsequential floors.
3 From a material standpoint, we're using board and
4 batten siding and then a combination of cement
5 board Equitone panels and then synthetic wood for
6 the railings and the screening. So these are just
7 the different comprehensive elevations of each
8 house. You can see a little better in the
9 renderings when I get to them. Here's an eye-level
10 perspective rendering. Kentucky Avenue is the
11 primary facade there and the street that you see
12 going away is Westminster. You can see the
13 townhouses on the left. Row five is directly in
14 front of you and then the 14 is on the right. And
15 then this is the common drive aisle where all the
16 homes on this side would access. They're
17 rear-loaded garages at the first floor and then all
18 the living space is above, primarily due to the
19 floodplain, and then where you just end on overall
20 aerial of that entire site.

21 KEITH DAVIS: One of the purposes of
22 zoning is to provide a desirable visual environment
23 to create development techniques and good civic
24 design and arrangement. For all the reasons you
25 just testified to do you believe that purpose of

1 the zoning is advanced?

2 RUSTIN OHLER: Yes, I do.

3 KEITH DAVIS: That's all I have. Any
4 questions as to architecture?

5 LANCE LANDGRAF: No. Not at this time.

6 KEITH DAVIS: All right. Thank you,
7 Rustin.

8 I'd like to bring Jay Sciullo forward.
9 I know that he's been accepted.

10 LANCE LANDGRAF: He has. As the
11 architect, we will accept the architect's
12 credentials with the application.

13 KEITH DAVIS: In both engineering and
14 planning.

15 JASON SCIULLO: Somebody once said
16 double threat but I don't know if that is fitting.

17 KEITH DAVIS: We'll judge that at the
18 end of your presentation.

19 JASON SCIULLO: Do it. Judge away.

20 KEITH DAVIS: So Jay, I know you're
21 gonna refer to some slides that you brought.

22 JASON SCIULLO: Probably only one, in
23 addition to this, so we can just pop it up to mark
24 it now.

25 KEITH DAVIS: Okay.

1 JASON SCIULLO: So this one is very
2 similar to the site plan that was submitted
3 originally with one addition for a turning movement
4 for a passenger vehicle on the rear of the site
5 between the dead end, or at the dead end driveway
6 in the bottom left corner of the sheet, which I'll
7 zoom in on.

8 KEITH DAVIS: What's the last revision
9 date?

10 JASON SCIULLO: This was special for
11 this hearing so it's probably today's date. Let me
12 check, though, on sheet 2701. Yesterday's date.

13 KEITH DAVIS: All right. So we'll mark
14 this A-3. Is that okay?

15 LANCE LANDGRAF: That's fine.

16 JASON SCIULLO: We'll call it the site
17 plan exhibit.

18 KEITH DAVIS: All right.

19 JASON SCIULLO: So you can see, we have
20 that there. I'll go back, though, to the prettier
21 rendering and talk about the site.

22 KEITH DAVIS: What's on the property
23 now?

24 JASON SCIULLO: It's been vacant.
25 Here's a good photo of that. I'll pop it on there.

1 There is the remnants of a parking lot on one side
2 that -- on the Block 50 section, which is the part
3 between Westminster and Kentucky on the western end
4 in here and then the area that's Block 51, where
5 the 10 homes are proposed closer to Pacific, that's
6 an existing parking lot that's operated
7 intermittently for events and things but it's not
8 specifically tied to any particular use.

9 KEITH DAVIS: All right. And the
10 project itself, can you describe what that consists
11 of?

12 JASON SCIULLO: Sure. So going, going
13 back to the site rendering, you heard Rustin
14 mention how there's three different building types.
15 Most are four bedroom except for the homes, the
16 five that are stacked in the middle here, they are
17 five bedroom. All of them have three car garages,
18 which exceed the Residential Site Improvement
19 Standards requirements for the number of parking
20 spaces. You'll see that the homes are set back off
21 the street between 3 and 5 feet to provide
22 landscaping along the perimeter on the frontages
23 where it's most valuable and also to provide
24 adequate clear sight area for leaving these
25 driveways. The driveway that connects between, I'm

1 sorry, Kentucky and Westminster is a through
2 driveway movement and then there's a dead end
3 corridor that pops up off to the beach side of that
4 to access the back of these homes, the orange
5 homes. All of this is compliant with RSIS. They
6 state within that reg that you can have up to
7 300 feet on a dead end without a means or turn
8 around, mostly for prior fire protection measures,
9 which isn't an issue here since it's surrounded by
10 public streets, but it is compliant with the RSIS
11 in every regard. The site improvements are pretty
12 limited in that they're self-contained single
13 family units that are attached. We call them
14 townhomes because there's more than three and by
15 definition in the CRDA reg more than three attached
16 single family homes become townhouses.

17 The trash storage is in the garages.
18 You can see a couple boxes drawn in certain places
19 that signify space for the trash cans, so there is
20 space outside of where the cars park to fit those
21 totes. They will be wheeled out through the front
22 of the homes, out to the curb on trash day just
23 like any other residential use.

24 The utilities will all be connected in
25 the public streets. We're working with the utility

1 companies to determine exactly what improvements
2 may be needed. We anticipate between this project,
3 the ones that were approved last summer, or earlier
4 in the summer, earlier in the year next to this,
5 which, if you recall, there were 20 townhomes that
6 start in this section of Westminster directly
7 opposite this project and run out towards the
8 beach. Between all of them, pretty much all of
9 Westminster is going to get rebuilt, just because
10 of all the openings for utilities. We're working
11 all that out, as I mentioned. In the end this will
12 be generally full road repaved, all new curbs and
13 sidewalks, because we're gonna have to cut through
14 just about all of it to make these connections so
15 it's gonna be a brand new neighborhood. It's gonna
16 be, you know, reinvigorated the way it used to be.
17 It was all single family historically, just about
18 all of it before Sands did come in and bought up
19 some of it to make parking lots before it was
20 demoed. So there's a lot of connections that are
21 still there, a lot of utility service boxes all
22 over the sidewalk that haven't been utilized in,
23 you know, 50 years or whatever, but all that will
24 be renovated and replaced.

25 There's one interesting nuance I want to

1 make sure everyone is aware of. So you'll see
2 these homes up here, from the section that's not on
3 an actual paved section of roadway, there's a
4 public alley that extends up to the limit of this
5 lot that, between this project and the neighboring
6 project, it won't be vehicular access, it will be
7 pedestrian access, so what we have intended -- and
8 you heard me say this on multiple projects in The
9 Loop. It's a long block on the beach and for
10 people to walk through to get to other uses in the
11 neighborhood, you know, to walk up and down for the
12 entire block to cross at the boardwalk or Pacific
13 is really inconvenient. We want to make sure all
14 of this is walkable. That's the entire purpose of
15 doing these types of projects like this. So this,
16 this corridor here, which I'll show on another site
17 plan probably a little better, creates a pedestrian
18 connection from New York to Kentucky that doesn't
19 have to go outside of the area that we're
20 developing, so we'll be able to go through our
21 parking lot, directly in front of where my office
22 is and down to the restaurants and down to the
23 other side, all the way over to Tennessee Avenue
24 once all that stuff gets renovated between us and
25 them. So we're going towards that same direction,

1 making this walkable, pedestrian friendly and a
2 neighborhood. That's what we want, is people on
3 the street. The issues we have -- I've been in my
4 office since last November and there's a lot of
5 complaining, I'm not gonna do it here but there's a
6 lot of little issues we have out there and almost
7 all of them route back to not having enough people
8 on the street every day. So overnight there's
9 vagrancy. There's some vandalization. I have --
10 my office was burglarized in March, just because no
11 one really cares about the block right now except
12 us, and once we get more residents in that live
13 here, vote here, spend all their time here, this
14 will become, in my opinion, the best neighborhood
15 in town and everything will be new, as you see. So
16 a lot of private investment. We're really excited
17 about it. This is just continuation of that, you
18 know. As you've heard from Pat Fasano, he's a
19 very -- I don't know how to put it. He's
20 enthusiastic. He wants to see, as do all of us,
21 see this succeed. So when he talked to these guys
22 about, hey, we've got this going on, what do you
23 think, they jumped right in. They've done a lot of
24 urban development up in Philly. They seen sites
25 that are more difficult than this, tighter than

1 this. This is not a walk in the park by any means
2 but it's a lot easier to develop than a lot of the
3 other work that they've done. From our
4 perspective, I feel that this is a really good mix
5 of the type of housing we're looking for. Single
6 family may not work directly with, you know,
7 suburban type of layout, definitely won't work.
8 Even though the regs are sort of set up to follow
9 suburban standards for RSIS, there is no
10 distinction in RSIS between urban and suburban, but
11 even so, we're parking more than what would
12 normally happen and surrounded by the parking lots,
13 we feel that however this gets utilized, you know,
14 in the rental section for the first 10 years, as
15 Brian mentioned, the Opportunity Zone, and then in
16 the future if it's condos and sold for full
17 homeownership when, you know, that -- I guess we'll
18 say tax standard permits it, we'll have people here
19 that care about these homes. They're gonna
20 maintain them for the first 10 years and then if
21 they are sold, the homeowners by then, this
22 neighborhood better be, you know, fingers crossed,
23 it will be what we hope it is and this will be a
24 huge and positive addition to the neighborhood.

25 KEITH DAVIS: So the use is not

1 permitted, it requires a use variance, correct?

2 JASON SCIULLO: Yeah, it does.

3 KEITH DAVIS: You have to show certain
4 purposes of zoning are advanced and also particular
5 suitability. As a planner do you believe any
6 purposes of zoning will be advanced? I think some
7 of them you just sort of alluded to --

8 JASON SCIULLO: Yeah. I'll hit the
9 actual --

10 KEITH DAVIS: -- in your testimony.

11 JASON SCIULLO: So for, you know, for
12 the purposes of the record, the zoning limit line
13 runs in Westminster Avenue, so on the north side of
14 it and east side of it, Block 51 is in the Resort
15 Commercial District. Everything on the other side
16 of Westminster, between Westminster and New York --
17 I'm sorry, Kentucky, that block is in the Kentucky
18 Avenue Renaissance District. So the RC District
19 permits multi-family and high-rise and anticipates
20 residential, just at a higher density and larger
21 structures also in mixed use buildings. The
22 Kentucky Avenue Renaissance District doesn't have
23 specific residential uses permitted. It does have
24 mixed use but I think it intends for it to be mixes
25 of the uses permitted which would be mostly

1 entertainment related and retail, hotels, but for
2 the purpose of this part of the zone, with
3 Westminster being so small relatively, like,
4 geometry wise to fit vehicles down there and
5 visibility for commercial uses, anything from
6 Westminster, if it were commercial, in my view we
7 have enough struggle to have stuff that's visible
8 on Atlantic Avenue make it, if it's tucked back in
9 here where no one could see it other than the
10 people who live here, I think it's gonna be a real
11 struggle to make a commercial development work in
12 that section, unless there's all these rooftops to
13 support it and it's like a small neighborhood kind
14 of feature. So in my view this section of
15 Westminster, especially because as you -- let me
16 zoom out to an aerial, if I can get a better one,
17 better view of it. So on our site plan you'll see
18 that Westminster -- we lovingly call it Snake
19 Alley. It has this little kink in the middle of
20 it. So for the section that we're in, it's a
21 thinner section of the block. It's 120 feet deep,
22 I think was the number. Let me make sure. Yeah,
23 125 feet deep. The minimum depth is 150 feet in
24 the ordinance, not that that matters that much. We
25 are compliant because we're measuring from

1 Westminster into the site, but the 150 feet in my
2 view is created intentionally to fit what would
3 generally be a retail use. So in most retail
4 arrangements the depth of the retail space wants to
5 be around 80 feet, 60 to 80 feet, and that would
6 make -- that's what makes those retail
7 establishments work from a marketability
8 perspective and rental perspective. Behind that,
9 if you have a double loaded parking area with
10 buffers that are required and access to the
11 building, you're adding another 70ish feet between
12 the parking and that, so 150 generally works for
13 retail because that geometry, that depth is made
14 for that purpose. 125, we could probably make it
15 work but it would be a smaller footprint of retail.
16 It would make it very difficult, as I mentioned.
17 And then we have our residential component on the
18 east side that, you know, is the old Snake Alley
19 that's being redeveloped. Then we would have a
20 commercial parking lot butt up against it with
21 commercial against Kentucky. It could work but, to
22 me, it's a better planning alternative to do this,
23 because not only does the market demand this
24 currently, but it fits better into the neighborhood
25 in my opinion. Further down towards the beach

1 where the blocks are a little deeper, or the block
2 is a little deeper and we can maybe fit some more
3 buffer and things could happen to make any retail
4 use or commercial use work against the residential,
5 that might make sense, but right here, I think this
6 is the right way to go, and from an urban
7 streetscape perspective, you saw the renderings
8 from the architect, that, to me, with the front
9 porches and rear-loaded garages, landscaping in the
10 front, the step back as the balconies and porches
11 start going, I think it looks really good and it's
12 not dissimilar to what -- you mentioned North
13 Beach. I know we did that job when I was at my old
14 firm and that has elevation changes a little more
15 substantial than here, but that has the same kind
16 of set up. It has a small landscape buffer in the
17 front, building that goes up taller than this,
18 porches and stuff, it gives it a really nice urban
19 residential look, so I think for the purposes of
20 zoning, as you mentioned, Keith, sorry, long-winded
21 get to that.

22 KEITH DAVIS: For all those reasons it's
23 particularly suitable for the low-rise residential?

24 JASON SCIULLO: Absolutely. Between the
25 inability or very difficult proposition of making

1 commercial work on Westminster Avenue, I think it's
2 particularly suitable, plus the way this has been
3 arranged fits into this building -- for this zone
4 very nicely, so yes, I think it's particularly
5 suitable.

6 KEITH DAVIS: In terms of purposes of
7 zoning, Rustin already rendered his opinion as to
8 the desirable visual environment purpose. You
9 agree with that?

10 JASON SCIULLO: I do. I do. There are
11 other purposes of zoning that I feel are also
12 advanced. Purpose -- and this is out of N.J.S.A.
13 40:55D-2, purposes of zoning and Municipal Land Use
14 Law. Purpose (a), to promote the general welfare.
15 Because the site is particularly suitable I think
16 that purpose is advanced. Purpose (b), to secure
17 safety from fire, flood, panic and other natural
18 manmade disasters. The proposed buildings are not
19 only gonna be compliant with today's flood hazard
20 standards but they're elevated significantly above
21 what the freeboard requirement is today, because we
22 all know that the second round of the protection
23 against climate change or threats is coming and
24 that will be 5 feet of freeboard. We are over that
25 at this point. We're around 8 feet above what's

1 required and that allows us to get the parking
2 under the unit, plus also the extra height to meet
3 that future standard. I think purpose (c), to
4 provide adequate air, light and open space. We are
5 requesting relief for coverage, so the open space
6 part of it isn't what I'm talking about with that
7 but the light and air, I think in this case between
8 the space that's created between the buildings,
9 which you saw on that streetscape rendering, and
10 also the height that we propose could be up to 300
11 feet in this zone. On a lot this small a 300 foot
12 building would look a little goofy in my opinion.
13 That's a technical term, Rob, goofy.

14 KEITH DAVIS: No shadowing?

15 ROBERT REID: Noted.

16 JASON SCIULLO: No shadowing the
17 neighbors. We are on the southern side or, you
18 know, western side or southern side of this block
19 where, you know, we would cast out on to the
20 neighbors if we were a larger structure, so I feel
21 like we're advancing that purpose. Purpose (e), to
22 promote the establishment under appropriation --
23 appropriate population densities to contribute to
24 the well-being of persons, neighborhoods,
25 communities, regions and preservation of the

1 environment. You know, promote the establishment
2 of appropriate densities and concentrations, this
3 one I like a lot for this and for all the
4 development we've done in The Loop because, as I
5 mentioned, and you heard Brian say and everyone
6 that's been in here, not just me, what we need is
7 rooftops and people that live here to take care of
8 this area, to bring it back to its former glory. I
9 think that purpose (e) is definitely advanced for
10 that, because having this concentration of homes at
11 this location to compliment what's been previously
12 approved, and we'll start under construction soon,
13 definitely advances the well-being of the
14 neighborhood and the community and the city as a
15 whole, so purpose (e) is advanced. Purpose (g), to
16 provide sufficient space and appropriate locations
17 for a variety of uses. It's a residential use that
18 would compliment the other permitted uses in the
19 zone, as we mentioned the commercial stuff, and as
20 permitted, this doesn't have the patronage that we
21 need currently to make them be sustainable. Having
22 residents that live here, work here, play here
23 advances that purpose. Purpose (i), promote a
24 desirable visual environment, we're talked about.
25 There's also -- it's not a purpose of zoning listed

1 in the rule or in the reg but, in addition, when
2 the proposed improvements are viewed on the whole,
3 they contribute to the preservation of the
4 neighborhood character and aesthetics and these are
5 two additional purposes of zoning the courts have
6 found in the past to be appropriate consideration
7 of variance relief. I think, also, the goal of the
8 Tourism District, overarching goal in the very
9 beginning is to encourage innovative land uses and
10 diversify the Tourism District's economic base.
11 You know, that's the big picture general statement
12 but this use strengthens and diversifies the
13 Tourism District's economic base, bringing back
14 housing in historically residential areas of the
15 city and new residents to town to patronize all of
16 our businesses, not mine, so the restaurants and
17 the commercial establishments that, again, private
18 money was invested a few years ago, they're hanging
19 on but having people here to patronize is gonna
20 obviously make things much better, so their housing
21 criteria is met.

22 KEITH DAVIS: Okay. And then as to the
23 negative impacts to the zone plan, to the public
24 good, do you believe the use variance can be
25 granted without any substantial negative impact?

1 JASON SCIULLO: Absolutely. So for the
2 RC Zone section, as I mentioned, it's contemplating
3 residential, it's just maybe not in this exact
4 form, so the spirit, purpose and intent of the reg
5 is met. We heard Brian mention that they would
6 like to do commercial but it's just not viable just
7 yet and I wanted -- not that it matters to this
8 application specifically but you'll notice that
9 there's a piece of ground that remains as part of
10 their own -- they own closer to the corner of
11 Pacific and Kentucky where we hope to in the future
12 come in with an application that will have a mixed
13 use building with commercial on the ground floor
14 and that's where it makes sense to do it. I think
15 down Kentucky it could work if it's a little bit
16 deeper but, you know, as I mentioned, I think that
17 for this purpose and for this application the
18 spirit, purpose and intent of the zoning ordinance
19 or, I'm sorry, the land use regulation is to get
20 the areas vibrant, walkable as a neighborhood and
21 this advances that purpose and I think the spirt,
22 purpose and intent of the plan.

23 KEITH DAVIS: So for all those reasons
24 you believe the use variance is warranted and we've
25 met our burden?

1 JASON SCIULLO: Absolutely. I do. Yes,
2 we have.

3 KEITH DAVIS: Okay. There's some bulk
4 deviations that are subsumed into the use variance
5 under the Price v. Medici case, correct?

6 JASON SCIULLO: Yes.

7 KEITH DAVIS: Could we just highlight
8 what those are, what the deviations are --

9 JASON SCIULLO: Sure.

10 KEITH DAVIS: -- and note those for the
11 record?

12 JASON SCIULLO: There's not many. Many
13 other applications of similar type had more than
14 what we propose, but we mentioned already the use
15 variances and now if we were to go through the bulk
16 standards within the RC Zone, it's 1966 --
17 19:66-5.10(a)(1)(iv)(8), way down on the list.
18 Minimum front yard of 20 feet is required for
19 buildings greater than 35 feet in height. We
20 propose 3 feet. The maximum height permitted in
21 the zone is 300 feet when you step back more than
22 20 feet. We're asking for relief to have that
23 small area that's over 35 feet within the front
24 setback of 20 feet, so we're asking for generally a
25 10 foot chunk of the building closer to the road so

1 that we can get the living space to fit on this
2 site. Not to say that 10 feet of additional height
3 won't be, you know, won't be discernible from the
4 street, but in my view, having the buildings
5 elevated to get the ground floor parking and be
6 above the flood certainly is advancing the purpose
7 of zoning that I think can justify granting this
8 relief.

9 KEITH DAVIS: So that's the setback?

10 JASON SCIULLO: That's the front
11 setback. The side setback has a very similar
12 requirement. Some minimum side yard, 20 feet
13 required for buildings greater than 35 feet in
14 height. We propose 0 feet in two locations, or one
15 location, actually, that's on the northern end of
16 the buildings, as I mentioned, in this section
17 here, away from the street. The other buildings,
18 the actual structures don't have lot lines to be
19 setback from one another since it's a single lot
20 but for that side setback we would be -- we're
21 asking for that relief since it abuts the parking
22 lot that's owned by affiliated entities and makes
23 use of that end space that otherwise would just be
24 open space for the purposes of open space.

25 KEITH DAVIS: And you already alluded to

1 it, but there's a deviation from impervious cover?

2 JASON SCIULLO: There is, and it's, it's
3 split, so we have -- on the RC Zone side of it we
4 meet the standard. There's an open space area in
5 the front here. In the Kentucky Avenue Renaissance
6 District section we do not. The standard in both
7 is 80 percent. DEP permits up to 90 percent
8 through the coastal rules but the CRDA standard is
9 80. We're asking for 91-and-a-half percent on the
10 Block 51 side and -- excuse me, the Block 50 side
11 and on the other side we're complying,
12 78-and-change percent. If you do the balance
13 between the two, overall the job is under
14 90 percent and it still meets the coastal rules
15 standard. We don't have a stormwater management
16 implication because we're under the thresholds of a
17 major development. In my view, having the
18 additional density and very little impact -- to put
19 numbers to it, it's a thousand square feet of
20 additional pavement beyond what would be permitted.
21 We feel that variance relief is justified based on
22 this development in particular and with the way
23 that the yield is set up.

24 KEITH DAVIS: We otherwise meet the
25 requirements for preliminary and final major site

1 plan approval?

2 JASON SCIULLO: We do. We do. We
3 submitted just about everything that's required on
4 the checklist and, if not, it's just a few waivers
5 related to conditions of approval we requested for
6 things like guarantee and inspection, things like
7 that.

8 KEITH DAVIS: And those are all outlined
9 in the review memo that you received?

10 JASON SCIULLO: They are.

11 KEITH DAVIS: You've reviewed it?

12 JASON SCIULLO: I have.

13 KEITH DAVIS: Take any issue with it?

14 JASON SCIULLO: No.

15 KEITH DAVIS: That's all I have for Mr.
16 Sciullo.

17 LANCE LANDGRAF: Okay. A couple
18 questions. Jay, you talked about that pedestrian
19 easement that runs, I'm going to say north but we
20 all know it's east, right up top of the page. How
21 about we go there?

22 JASON SCIULLO: Yeah. Right. Actually,
23 I'll just point it out for everybody. Sorry.
24 Right in here.

25 LANCE LANDGRAF: That is, that is part

1 of, I'll say the lot to the -- towards Pacific
2 Avenue?

3 JASON SCIULLO: No. It's part of this
4 public right-of-way. So Westminster comes in,
5 makes this turn and then it's connected to the
6 right-of-way and there's an intersection so instead
7 of being this full width of 30 feet or whatever, 28
8 feet, whatever the --

9 LANCE LANDGRAF: Okay.

10 JASON SCIULLO: (Multiple parties
11 speaking.)

12 12 feet, this just goes straight up. It
13 was, in my view, created to be a pedestrian way.

14 LANCE LANDGRAF: Okay. Built out.

15 BRIAN ZOUBEK: Also, the -- right across
16 from that, in Pat's plan, that's open space so
17 you're not gonna have --

18 LANCE LANDGRAF: Right. You don't have
19 that.

20 BRIAN ZOUBEK: Yeah. You're not gonna
21 have that.

22 (Multiple parties speaking.)

23 JASON SCIULLO: Yeah. The space that's
24 on the side of that home that was approved
25 previously on this section is more than the alley,

1 so we had another 15 feet.

2 LANCE LANDGRAF: It will look like an
3 extension?

4 JASON SCIULLO: It will look like, yeah,
5 straight through. It will be clear all the way.

6 LANCE LANDGRAF: Second question. The
7 interior roadway, the T roadway, I'll call it
8 there --

9 JASON SCIULLO: Yeah.

10 LANCE LANDGRAF: -- that's private?

11 JASON SCIULLO: It is.

12 LANCE LANDGRAF: That will be privately
13 maintained and signed appropriately?

14 JASON SCIULLO: It is.

15 LANCE LANDGRAF: Okay. What about the
16 driveway parallel with Pacific?

17 JASON SCIULLO: This one here?

18 LANCE LANDGRAF: Yes.

19 JASON SCIULLO: Yeah. That will be
20 private. That's all part of this overall lot.

21 LANCE LANDGRAF: That has an exit going
22 to the east or no?

23 JASON SCIULLO: No. This dead
24 ends at --

25 LANCE LANDGRAF: Okay. All right.

1 JASON SCIULLO: There's a driveway here
2 on to Pacific that --

3 LANCE LANDGRAF: It doesn't loop around
4 that --

5 JASON SCIULLO: Oh, yeah. Yeah.

6 LANCE LANDGRAF: Until that lot's
7 developed, okay.

8 JASON SCIULLO: Yeah.

9 BRIAN ZOUBEK: We might eventually make
10 a, you know, like an L shape when we figure out
11 what's going on the corner but we didn't want to
12 restrict it and --

13 LANCE LANDGRAF: Understood.

14 BRIAN ZOUBEK: Yeah. Thank you.

15 LANCE LANDGRAF: Okay. And you're gonna
16 improve that portion of that corner lot with those
17 parking spaces for now?

18 JASON SCIULLO: Yeah. They exist.
19 They're just a little wonky the way that they're
20 striped. We'll clean them up.

21 LANCE LANDGRAF: All right.

22 JASON SCIULLO: That's another technical
23 term, Rob, wonky.

24 ROBERT REID: Wonky, yeah.

25 LANCE LANDGRAF: Cattywampus, right.

1 JASON SCIULLO: Yeah.

2 LANCE LANDGRAF: All right. With that,
3 I'll go to -- you guys want to hit your report that
4 is dated October 2nd? We'll mark that as B-1.

5 SCOTT COLLINS: B-1. Thank you.

6 LANCE LANDGRAF: The Adams Rehmann
7 Heggan & Associates and Cofone Associates joint
8 letter dated October 2nd.

9 CHRISTINE COFONE: Could you swear us
10 in, Scott?

11 SCOTT COLLINS: Yeah. One second.
12 CHRISTINE COFONE, PP, having been first duly sworn
13 according to law, testified as follows:

14 CHRISTOPHER MORRIS, PE, having been first duly
15 sworn according to law, testified as follows:

16 G. JEFFREY HANSON, having been first duly sworn
17 according to law, testified as follows:

18 SCOTT COLLINS: Lance, if you want to
19 note for the record Miss Cofone is the
20 Authority's --

21 LANCE LANDGRAF: Planning.

22 SCOTT COLLINS: -- consultant on
23 planning matters and has been qualified as an
24 expert and -- I'm sorry.

25 CHRISTOPHER MORRIS: Chris.

1 SCOTT COLLINS: Are you planning or just
2 engineering?

3 CHRISTOPHER MORRIS: Engineering.

4 SCOTT COLLINS: Okay. And Chris has
5 been qualified as an expert in engineering.

6 LANCE LANDGRAF: Yes. Both so noted.

7 SCOTT COLLINS: Thank you.

8 CHRISTINE COFONE: So the planning
9 comments are pretty brief. Mr. Sciullo walked
10 through the proofs, as he always does, in our
11 outline in our October 2nd review.

12 Mr. Sciullo, one of the proofs that you
13 used was criteria (e) of the Land Use Law,
14 appropriate population densities, which is an
15 interesting choice, because the zone allows for
16 residential density but at a much higher density.
17 Would you say given -- and you, I think, are
18 uniquely qualified to testify in this application,
19 as you have an office there, so you're there all
20 the time --

21 JASON SCIULLO: All the time. Too much.

22 CHRISTINE COFONE: -- and you have
23 done -- of course -- you have done some of the
24 other applications in the area.

25 JASON SCIULLO: Umm-hum.

1 CHRISTINE COFONE: So even though the
2 density is below what is envisioned for the area,
3 would you say that this is more consistent with the
4 area than the way it's developing?

5 JASON SCIULLO: Absolutely, and the --

6 CHRISTINE COFONE: Yeah. I would agree.

7 JASON SCIULLO: -- existing that's there
8 on Westminster towards the beach, where there's
9 single family homes that are on tight, small lots
10 and these townhomes just kind of continue that same
11 string, just newer, excuse me, newer, updated
12 versions.

13 CHRISTINE COFONE: But still, in my
14 opinion as a professional planner, enough density
15 to give it the critical mass of development that
16 it's looking to -- (inaudible) -- for this area,
17 right? That's what it's --

18 JASON SCIULLO: Absolutely. Yeah.

19 CHRISTINE COFONE: -- calling for? It's
20 calling for, I think -- I remember being at the
21 League one year and participating in a conference
22 on how to reinvigorate your downtown and one of the
23 concepts that they put forth was residential
24 density is a gift that you can give your downtown,
25 so as a professional engineer and professional

1 planner who has a presence in this area, you would
2 agree that, you would think and it's your opinion
3 that the density that your client is proposing is
4 enough to assist with the goal of creating an
5 economic engine for the area?

6 JASON SCIULLO: It is. It is, and
7 the -- I'll say -- I don't want to sound
8 insensitive when I say it. It's the type of people
9 that would be renting here we hope will be the type
10 to patronize our businesses. There won't be -- I
11 mean, there could be families but it's not going to
12 be families with kids and having a need to have
13 open space. This will be working younger folks,
14 maybe second homeowners, vacationers, people that
15 are coming here to take advantage of everything we
16 have in Atlantic City, the free beaches, all the
17 awesome restaurants, so yes.

18 CHRISTINE COFONE: So what we have here,
19 in fact, will bring some disposable income to spend
20 in the area?

21 JASON SCIULLO: Without a doubt.

22 CHRISTINE COFONE: And as far as your
23 negative criteria, right, the Land Use Law doesn't
24 ask us to look at no detriment. It looks us to
25 look at, is the benefit gonna outweigh the

1 detriments, and here you don't see any detriments
2 to taking away from parking in the area?

3 JASON SCIULLO: Oh, no. No. The
4 parking that -- so talk about being there every
5 day, when we look out across the street, there's
6 the Block 51 parking lot that we use, that our
7 affiliated entities own, it's just our cars. There
8 may be five or six others during the day. Down the
9 other end where the Palace is, they're using it
10 because the Palace is fully occupied. We never --
11 I have -- in 15 years since after, you know, the
12 casino boom in the early 2000s, along with the
13 housing boom, we haven't had an issue with traffic
14 or parking anywhere in town. We pretty much go
15 anywhere we want. I feel parking being an issue is
16 a good problem to have, because we will have, I
17 hope in some form, eventually these lots will be
18 full. As it sits now they're just vacant and
19 wasted. And aside from the two that directly abut
20 us, there's another four down the block, same
21 thing. Even when the beach is fully occupied with
22 either beach concerts, the air show, they get used,
23 but on a regular basis, never.

24 CHRISTINE COFONE: And when those --
25 when the other development that's planned and

1 approved for this area comes to hopefully be built
2 and occupied, it will still be your opinion that
3 there would be adequate parking here?

4 JASON SCIULLO: Absolutely. Absolutely.

5 CHRISTINE COFONE: Okay. I have no
6 further questions.

7 LANCE LANDGRAF: Okay. Chris.

8 CHRISTOPHER MORRIS: From an engineering
9 standpoint pretty much everything was covered in
10 testimony. You did show a wood panel fence detail
11 that was --

12 JASON SCIULLO: I'm not sure. They may
13 have -- that's my fault. I'm not sure what that
14 was intended to be. It may have been a trash
15 enclosure at some point when it was discussed
16 earlier.

17 CHRISTOPHER MORRIS: That's what I
18 wanted to clarify, that --

19 (Multiple parties speaking.)

20 JASON SCIULLO: That should be removed.

21 CHRISTOPHER MORRIS: That's fine.

22 JASON SCIULLO: Apologize for that.

23 CHRISTOPHER MORRIS: Other than that,
24 yeah, everything was addressed.

25 LANCE LANDGRAF: Okay. Any questions,

1 Scott?

2 SCOTT COLLINS: Nope. I'm good.

3 LANCE LANDGRAF: You good?

4 ROBERT REID: Yeah. I'm good.

5 LANCE LANDGRAF: Okay. With that, we'll
6 open -- Keith?

7 All right. With that, we'll open this
8 application up to the public. Anybody here with
9 any comments, please step forward, state your name
10 and make your comments.

11 Seeing none, we'll close the public
12 portion. Mr. Davis, any closing comments?

13 KEITH DAVIS: No. I think you
14 understand we're making the application and seeking
15 use variance relief with the three bulk deviations
16 for the front, side yard setbacks, impervious
17 cover, together with preliminary and final major
18 site plan approval to allow for this project to
19 move ahead. We've addressed everything in the
20 Authority's consultant's memorandum and we look
21 forward to starting on this property.

22 LANCE LANDGRAF: Great. Thank you.

23 Most likely this will be on our November
24 board agenda. Certainly, as you guys know, ahead
25 of that -- we're not getting it on for the 17th.

1 It's just not happening.

2 SCOTT COLLINS: Yeah.

3 LANCE LANDGRAF: I think the third
4 Tuesday.

5 KEITH DAVIS: Okay.

6 LANCE LANDGRAF: All right. I don't
7 know what that date is off the top of my -- I
8 should know. Hang on one second.

9 SCOTT COLLINS: The 21st?

10 LANCE LANDGRAF: 21st, November 21st.

11 KEITH DAVIS: Very good.

12 LANCE LANDGRAF: Thank God for me adding
13 it to my notes on the agenda.

14 All right. Thank you.

15 KEITH DAVIS: Thank you.

16 BRIAN ZOUBEK: Thank you, all.

17 LANCE LANDGRAF: Appreciate the
18 presentation. Good luck.

19 JASON SCIULLO: Super excited about it.

20 LANCE LANDGRAF: Now you can go on your
21 honeymoon, Brian.

22 (At 10:44 a.m. proceedings were
23 concluded.)

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CERTIFICATE

I, MICHELLE GRUENDEL, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically and digitally at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Michelle Gruendel



MICHELLE GRUENDEL, C.C.R.
C.C.R. License No. 30X100190500
Notary Public of the
State of New Jersey

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